

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GIULLIAN STEELE et al.

vs.

LEASING ENTERPRISES, LTD.

§
§ CIVIL ACTION NO. 4:09-CV-02789
§ (COURT UNIT OF JUDGE HUGHES)
§ [JURY TRIAL DEMANDED]
§

ORDER

Following its issuance of Findings and Conclusions, the Court conducted a hearing on October 8, 2014 to consider the issue of damages for the collective participants.

During the hearing on October 8, 2014, the Court admitted two charts, marked as Exhibits "A" (detailed chart) and "B" (summary chart), identifying ineligible participants and showing wages for eligible participants. Counsel for Plaintiffs indicated during the hearing that they had no objection to the information as stated in the charts, and he also indicated that Plaintiffs had decided not to submit evidence to the Court regarding post-trial actions by Perry's.

Now, consistent with the evidence admitted during the trial and the October 8, 2014, hearing, the Court FINDS that the following claimants are not eligible to participate in any recovery and the Court ORDERS that these individuals' claims are DISMISSED WITH PREJUDICE:

| LAST | FIRST | FILE # | CONSENT FILED | 2-YEARS BACK | INELIGIBLE BECAUSE |
|--------------------|-----------|--------|---------------|--------------|------------------------------------|
| Aleman | Raul | 1-2 | 01/12/2010 | 01/12/2008 | Dismissed from Lawsuit |
| Alvarez | Marcus | 127 | 12/14/2010 | 12/14/2008 | Term date 9-1-2007 |
| Apple | Katherine | 101 | 11/11/2010 | 11/11/2008 | Term date 2-25-2008 |
| Barron Jr. | Thomas | 223 | 02/11/2013 | 02/11/2011 | Term date 5-29-2010 |
| Behrns (Furuya) | Tamara | 122 | 12/06/2010 | 12/06/2008 | Term date 9-3-2008 |
| Bell | Meranda | 308 | 03/12/2013 | 03/12/2011 | Did not work for LEL |
| Boyd (Leach) | Sara | 113 | 11/23/2010 | 11/23/2008 | Term date 1-4-2007 |
| Bueche | Michelle | 89 | 11/02/2010 | 11/02/2008 | No server hours during time period |
| Burge | Samantha | 127 | 12/14/2010 | 12/14/2008 | Bartender hours only |
| Camarillo | Timothy | 124 | 12/08/2010 | 12/08/2008 | Term date 5-19-2007 |
| Camarillo (Howell) | Mindy | 124 | 12/08/2010 | 12/08/2008 | Term date 5-4-2007 |
| Castro | Kristina | 127 | 12/14/2010 | 12/14/2008 | Bartender hours only |
| Cespedes | Natalie | 94 | 11/08/2010 | 11/08/2008 | Term date 3-4-2008 |

| LAST | FIRST | FILE # | CONSENT FILED | 2-YEARS BACK | INELIGIBLE BECAUSE |
|----------------------|-------------|--------|---------------|--------------|--|
| Connolly | Sean | 105 | 11/15/2010 | 11/15/2008 | Term date 1-19-2007 |
| Contreras | Jason | 91 | 11/04/2010 | 11/04/2008 | Term date 8-21-2007 |
| Courtney | Derek | 93 | 11/05/2010 | 11/05/2008 | Term date 2-9-2008 |
| Davenport (Szymczak) | Stephanie | 113 | 11/23/2010 | 11/23/2008 | Term date 1-4-2007 |
| Faysal | George | 117 | 11/29/2010 | 11/29/2008 | Did not work for LEL |
| Federlein | Jeremiah | 107 | 11/17/2010 | 11/17/2008 | Term date 3-3-2007 |
| Fries | John | 127 | 12/14/2010 | 12/14/2008 | Term date 8-10-2007 |
| Galdenzi | Michael | 94 | 11/08/2010 | 11/08/2008 | Term date 7-27-2008 |
| Garcia | Joshua | 75 | 11/01/2010 | 11/01/2008 | Term date 3-22-2007 |
| Gonzales | Guadalupe | 106 | 11/16/2010 | 11/16/2008 | Term date 9-11-2008 |
| Haas | Scott | 105 | 11/15/2010 | 11/15/2008 | Term date 7-28-2008 |
| Hamp | Danielle | 117 | 11/29/2010 | 11/29/2008 | Term date 7-31-2008 |
| Harris | Fredricka | 316 | 03/28/2013 | 03/28/2011 | Did not work for LEL |
| Haven | Douglas | 289 | 03/01/2013 | 03/01/2011 | Did not work for LEL |
| Herzog | Brandon | 130 | 12/17/2010 | 12/17/2008 | No server hours during time period |
| Huckabee | Aaron Joel | 313 | 03/28/2013 | 03/28/2011 | No server hours during time period |
| Hugi | Jean | 94 | 11/08/2010 | 11/08/2008 | Term date 10-13-2007 |
| Jacobs | Jennifer | 127 | 12/14/2010 | 12/14/2008 | Term date 11-19-2007 |
| Johnson | Jerome | 233 | 02/13/2013 | 02/13/2011 | Term date 12-26-2009 |
| Kelley | Ruth | 91 | 11/04/2010 | 11/04/2008 | Term date 2-29-2008 |
| King | Joel | 127 | 12/14/2010 | 12/14/2008 | Term date 7-12-2008 |
| Kinsey | Wade | 94 | 11/08/2010 | 11/08/2008 | Term date 1-2-2008 |
| Kovach | Carolyn | 91 | 11/04/2010 | 11/04/2008 | Term date 2-23-2008 |
| Kuhfeldt | Christopher | 66 | 10/27/2010 | 10/27/2008 | No server hours during time period |
| Lara | Josefina | 109 | 11/19/2010 | 11/19/2008 | Training shifts only (\$7.25 per hour) |
| Larson | Jeff | 94 | 11/08/2010 | 11/08/2008 | Term date 9-25-2007 |
| Lovell | Deirdre | 119 | 11/30/2010 | 11/30/2008 | No server hours during time period |
| Martinez | Crissy | 104 | 11/12/2010 | 11/12/2008 | Term date 11-10-2008 |
| Masters | Brian | 124 | 12/08/2010 | 12/08/2008 | Last day as server 11-13-2007 |
| Max | Joshua | 117 | 11/29/2010 | 11/29/2008 | No server hours during time period |

| LAST | FIRST | FILE # | CONSENT FILED | 2-YEARS BACK | INELIGIBLE BECAUSE |
|----------------|----------------|--------|---------------|--------------|--|
| McHenry | Travis | 320 | 04/04/2013 | 04/04/2011 | Consent filed after 4-3-2011 |
| Medina | Christian | 101 | 11/11/2010 | 11/11/2008 | Term date 2-17-2007 |
| Mills | Richard L | 235 | 02/13/2013 | 02/13/2011 | Term date 5-4-2010 |
| Milward | Jamie | 117 | 11/29/2010 | 11/29/2008 | Term date 1-12-2007 |
| Morris | Daron | 117 | 11/29/2010 | 11/29/2008 | Term date 4-26-2006 |
| Neuman | Paul | | 03/04/2013 | 03/04/2011 | Second consent-Court denied (Dkt#324) |
| Ochoa | Luis | 91 | 11/04/2010 | 11/04/2008 | Term date 3-25-2007 |
| Piper | Matthew Burton | 126 | 12/10/2010 | 12/10/2008 | Term date 4-17-2007 |
| Piper (Lersch) | Christy | 126 | 12/10/2010 | 12/10/2008 | Term date 1-12-2007 |
| Postler | Andrew | | 03/28/2013 | 03/28/2011 | Second consent-Court Denied (Dkt #324) |
| Reeves | Devin | 121 | 12/03/2010 | 12/03/2008 | No server hours during time period |
| Rzemek | James | 134 | 01/03/2011 | 01/03/2009 | No server hours during time period |
| See | Kelly | 117 | 11/29/2010 | 11/29/2008 | Term date 6-22-2007 |
| Shenal | Richard | 91 | 11/04/2010 | 11/04/2008 | Term date 3-12-2008 |
| Soto | Adrian | 120 | 12/01/2010 | 12/01/2008 | Term date 8-4-2007 |
| Szymczak | Marie | 119 | 11/30/2010 | 11/30/2008 | Term date 1-3-2008 |
| Taylor | Emily | 95 | 11/09/2010 | 11/09/2008 | Term date 9-20-2007 |
| Van Etten | Katherine | 247 | 02/19/2013 | 02/19/2011 | Term date 7-20-2010 |
| Waterbury | Christopher | 83 | 11/01/2010 | 11/01/2008 | Term date 1-13-2007 |
| Wedderburn | Howard | 309 | 03/12/2013 | 03/12/2011 | Did not work for LEL |
| Wilson | Kimberly | 104 | 11/12/2010 | 11/12/2008 | Term date 12-22-2007 |
| Wilson | Vanessa | 124 | 12/08/2010 | 12/08/2008 | No server hours during time period |
| Yardley | Stephanie | 105 | 11/15/2010 | 11/15/2008 | Term date 12-10-2007 |
| Yee | Charlotte | 127 | 12/14/2010 | 12/14/2008 | Did not work for LEL |

The Court also FINDS that the remaining claims are sustained in the amounts shown in the charts admitted as Exhibits "A" (detailed chart) and "B" (summary chart) during the October 8, 2014 hearing. For those eligible claimants who are still employed with Perry's, the Court ORDERS Perry's to pay these individuals directly by a separate payroll check. For all other eligible claimants, the Court ORDERS Perry's to prepare a separate check for each such claimant in the amount of the wage claim applicable to that person, as reflected on the charts, and to deliver all such checks to Plaintiffs' counsel for distribution.

All other claims of the Plaintiffs are dismissed with prejudice.

Signed on _____, 2014, at Houston, Texas.

Lynn N. Hughes
United States District Judge